

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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SHARON LEE SANCHEZ
BARRETO on her own behalf and in
representation of minor daughter
AMY NATALIA VÁZQUEZ
SÁNCHEZ; VON MARIE VIDAL
RYAN on her own behalf and in
representation of minor daughter
KAOVY MARIE VIDAL RYAN;
LUCRE AMALIA SALGADO
DOMINGUEZ; YALIEL
VAZQUEZ SALGADO.

Civil No. 04-2273 (JAF)

Plaintiff Demands Trial by Jury

Plaintiffs

Vs.

KARL AMALIA & SONS INC;
INTEGRAND ASSURANCE CO;
ACE INSURANCE CO.

Defendants

COMPLAINT

TO THE HONORABLE COURT:

COME NOW the Plaintiffs, through the undersigned attorney, and very respectfully state, allege and pray:

1. This Honorable Court has jurisdiction over the defendant INTEGRAND ASSURANCE COMPANY, over the defendant KARL AMALIA & SONS, Inc. pursuant to 28 USC secc. 1332 and over the defendant ACE Insurance Company over state law claims under Articles 1802 of the

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Civil Code of Puerto Rico, section 5141 et seq. of Title 31 of the Laws of the Puerto Rico Annotated, in that complete diversity of citizenship exists between the plaintiffs and the defendants herein and the amount in controversy for each plaintiff exceeds the sum of \$75,000 exclusive of interests and costs.

IDENTIFICATION OF DEFENDANTS

2. At all times herein material, the defendant KARL AMALIA & SONS, Inc is believed to be a corporation with its principal place of business in Guaynabo, Puerto Rico. The defendant KARL AMALIA & SONS is the owner of the vehicle BMW 2002 Model X5 license plate P.R. EQW-778 that was involved in an automobile accident where four young men died.
3. At all times herein material, the defendant INTEGRAND ASSURANCE COMPANY is believed to have issued an insurance policy over the vehicle BMW 2002 Model X5 license plate P.R. EQW-778 whose owner is the defendant Karl Amalia & Sons, Inc.
4. At all times herein material, the defendant ACE INSURANCE COMPANY is believed to have issued an insurance policy which covers the vehicle BMW 2002 Model X5 license plate P.R. EQW-778 in excess

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of the insurance issued by the defendant INTEGRAND ASSURANCE INC and whose owner is the defendant KARL AMALIA & SONS, INC.

PARALELL COMPLAINT

5. A wrongful death claim due to this same accident was filed in this federal court. It is Civil No. 04-1399 and it is in Honorable Judge Héctor Laffite's chambers.

IDENTIFICATION OF PLAINTIFFS

6. Plaintiff SHARON LEE SANCHEZ BARRETO and plaintiff AMY NATALIA VAZQUEZ SANCHEZ are citizens of the state of Florida for purposes of the diversity of citizenship jurisdiction under the applicable statutes. Plaintiff AMY NATALIA VÁZQUEZ SÁNCHEZ is the daughter of Yamil Andrés Vázquez Salgado who died in a car accident on the 16th of February 2004.
7. Plaintiff VON MARIE RYAN BERRIOS and plaintiff KAOVY MARIE VIDAL RYAN are citizens of the state of New Jersey for purposes of the diversity of citizenship jurisdiction under the applicable statutes. Plaintiff VON MARIE RYAN BERRÍOS was the common law wife of decedent Giancarlo Vidal Cotto who died in a car accident on the 16th day of

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February 2004. Plaintiff KAOVY MARIE VIDAL RYAN is the daughter of the decedent Giancarlo Vidal Cotto.

8. Plaintiff LUCRE AMALIA SALGADO DOMÍONGUEZ and plaintiff YALIEL VÁZQUEZ SALGADO are citizens of the state of Florida for purposes of the diversity of citizenship statutes. Plaintiff LUCRE AMALIA SALGADO DOMÍONGUEZ is the mother of the of decedent Yamil Vázquez Salgado. Plaintiff YALIEL VÁZQUEZ SALGADO is the brother of the decedent Yamil Vázquez Salgado.

OCURRENCES AND LIABILITY

9. On the 16th of February of 2004 Yamil Andrés Vázquez Salgado and Giancarlo Vidal Cotto died as a result of the traumas they sustained in a motor vehicle accident.
10. On the 16th of February of 2004 Karl Amalia Hunsberg was driving the BMW 2002 previously identified, at about 2:00 am. The owner of the BMW is the defendant KARL AMALIA & SONS INC.
11. Mr. Karl Amalia Hunsberg did not stop in a red traffic light. He then took a left turn and invaded the lane whose traffic was in the opposite direction.

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12.Mr. Amalia Hunsberg invaded said lane despite the fact that another car, a Mitsubishi, was approaching the intersection and had the right of way.

13.The negligent maneuver of Mr. Amalia Hunsberg was so sudden that it took the driver of the Mitsubishi completely by surprise.

14.A huge collision resulted due to the sudden invasion of the lane by Mr. Amalia Hunsberg.

15.Mr. Yamil Andrés Vázquez Salgado and Mr. Giancarlo Vidal Cotto were passengers in the Mitsubishi. They suffered severe traumas which caused their untimely death. It is believed that neither of these two individuals died immediately. Eduardo Rodríguez Caíns, a passenger in the car, as well as the driver of the Mitsubishi also died in the crash.

16. Mr. Karl Amalia Hunsberg was the sole responsible for the occurrence of the accident because he invaded the incoming lane without any regard for the lives of the people that occupied the incoming vehicle, that is the Mitsubishi.

17.Mr. Yamil Andrés Vázquez Salgado and Mr. Giancarlo Vidal Cotto were passengers in the Mitsubishi. Because they were both mere passengers, they had no responsibility for the occurrence of the accident. Accordingly, their actions did not contributed to their death.

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18. The defendant KARL AMALIA & SONS INC is directly responsible for the payment of any monetary award issued by a jury because said corporation is the owner of the BMW involved in the accident which is the subject of this complaint.
19. The defendant INTEGRAND ASSURANCE INC. is responsible for the payment of any monetary award issued by a jury in this case, since it issued an insurance policy for damages regarding the BMW being the name insured Karl Amalia & Sons Inc. It is believed that said insurance covers up to \$500,000 in damages.
20. The defendant ACE INSURANCE CO. is responsible for the payment of any monetary award issued by a jury in this case in excess of the policy issued by the defendant INTEGRAND ASSURANCE INC. It is believed that the insurance issued by by the defendant ACE INSURANCE CO. covers damages in excess of \$500,000 and up to \$5,000,000.
21. The damages suffered by the plaintiffs were caused solely by the negligence of Mr. Karl Amalia Hunsberg, the driver of the BMW.

DAMAGES

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22. As a direct result of this unnecessary accident, the plaintiff SHARON LEE SANCHEZ BARRETO has suffered emotional damages which are estimated in the amount of \$500,000. Due to the lost revenues from her ex-husband, the plaintiff SHARON LEE SANCHEZ BARRETO, who depended economically on Yamil Vazquez Salgado has and will incur economic losses estimated at \$250,000.

23. As a direct result of this unnecessary accident, the plaintiff AMY NATALIA VAZQUEZ SANCHEZ has suffered emotional damages which are estimated in the amount of \$1,000,000. Due to the lost revenues from her father, the plaintiff AMY NATALIA VAZQUEZ SANCHEZ, who depended economically on her father Yamil Vazquez Salgado has and will incur economic losses estimated at \$250,000.

24. As a direct result of this unnecessary accident, the plaintiff VON MARIE RYAN BERRIOS has suffered emotional damages which are estimated in the amount of \$1,000,000. Due to the lost revenues from her husband, the plaintiff VON MARIE RYAN BERRIOS, who depended economically on Giancarlo Vidal Cotto has and will incur economic losses estimated at \$250,000.

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25. As a direct result of this unnecessary accident, the plaintiff KAOVY MARIE VIDAY RYAN has suffered emotional damages which are estimated in the amount of \$1,000,000. Due to the lost revenues from her father, the plaintiff KAOVY MARIE VIDAL RYAN, who depended economically on her father Giancarlo has and will incur economic losses estimated at \$250,000.

26. As a direct result of this unnecessary accident, the plaintiff LUCRE AMALIA SALGADO DOMINGUEZ (mother of decedent Yamil Vazquez Salgado) has suffered emotional damages which are estimated in the amount of \$750,000.

27. As a direct result of this unnecessary accident, the plaintiff YALIEL VAZQUEZ SALGADO (brother of decedent Yamil Vazquez Salgado) has suffered emotional damages which are estimated in the amount of \$250,000.

28. Giancarlo Vidal Cotto did not died immediately. His sufferings while he died, estimated at \$500,000 are hereby being claimed by the plaintiff VON MARIE RYAN BERRIOS and by the plaintiff KAOVY MARIE VIDAL RYAN.

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29. Yamil Vázquez Salgado did not died immediately. His sufferings while he died, estimated at \$500,000, are hereby being claimed by the plaintiff SHARON LEE SANCHEZ BARRETO and plaintiff AMY NATALIA VAZQUEZ SANCHEZ.

PRAYER

WHEREFORE, in view of the foregoing, the plaintiffs respectfully request that judgment be entered in against defendants in the amount of \$6,500,000 plus costs, expenses and a reasonable amount of attorney's fees.

In San Juan, Puerto Rico, this 15 day of November of 2004.

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